

LAW OFFICES OF CHRISTOPHER W. BYRD, P.C.

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OFFICE OF GENERAL
COUNSEL

October 23, 2008

2008 OCT 24 P 4:45

Office of the General Counsel
Federal Election Commission
999 E. Street N.W.
Washington, D.C. 20463

Re: MUR 5072

Ladies and Gentlemen:

I have been retained to represent the Respondent, Northland Regional Chamber of Commerce, (the "Chamber") in the above referenced matter. This letter shall serve as the response of the Chamber to the complaint filed by David Browning on September 15, 2008. (the "Complaint"). As a matter of procedure, I would like to note that the Complaint referenced an attachment that was not filed contemporaneously with the Complaint. The attachment was later filed on September 29, 2008. The attachment was sent to my client by the Federal Election Commission in a letter dated October 7, 2008. It was received by my client on October 13, 2008. Therefore, the deadline for filing a response has been based on the October 13, 2008 receipt of the originally omitted attachment.

The Northland Regional Chamber of Commerce is organized to advance the economic and civic vitality of the region commonly called the "Northland," consisting mainly of Platte County and Clay County in the State of Missouri. Its primary mission is to enhance the business community, economic growth and quality of life in the Northland. The Chamber does not endorse, support, or oppose political candidates or political parties. See 11 C.F.R. § 110.13. In furtherance of their mission, the Chamber decided to hold a political debate for candidates running for the Sixth Congressional District for the State of Missouri. The debate took place on October 21, 2008 (the "Debate"). In staging the Debate, the Chamber was neither inconsistent nor in violation of the Federal Election Commission ("FEC") regulations.

Under FEC regulations, the structure of a candidate debate is left up to the discretion of the staging organization, provided that certain requirements are met:

1. There must be at least two candidates. 11 C.F.R. § 110.13(b)(1).
2. The debate must not be structured to promote or advance one candidate over another. 11 C.F.R. § 110.13(b)(2).
3. For all debates, the staging organization must use pre-established objective criteria to determine which candidates may participate, and for general elections the candidate's particular party cannot be used as the sole objective criteria. 11 C.F.R. § 110.13(c).

The Chamber met each of the requirements stated above when it staged the Debate between Sam Graves and Kay Barnes. First, the Chamber invited at least two candidates, Sam Graves and Kay Barnes, who each participated in the Debate. Secondly, the Chamber did not promote or advance either of these two candidates over the other. Finally, the Chamber did not use a candidate's political party as its sole objective criteria for determining which of the candidates should participate.

In deciding who should be invited to the debate, the Chamber decided that it should be the voters of the District who should decide, therefore the Chamber decided to invite the two candidates that received the two largest vote totals in the August primary. The selection process did not involve any

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consideration of the candidate's viewpoints; neither did it take into account the candidate's respective political parties. The Complaint makes accusations that are not even supported by the material submitted by the Complainant. See ¶ 6 of Complaint; see also Attachment to Complaint filed on September 29, 2008, attached.

The August 2008 Primary Election results for the U.S. Representative, Sixth District were as follows: Sam Graves – 36,131; Kay Barnes – 36,722; Al Sherkat – 6,714; and Dave Browning – 215. See Missouri Secretary of State August 2008 Primary Election Results, attached. Sam Graves and Kay Barnes were the two candidates that received the most votes in the primary election. Therefore, Sam Graves and Kay Barnes were invited to the Debate. The criterion was established well in advance of the Primary Election. See Affidavit of Ellen Todd, attached.

In conclusion, the Chamber invited at least two candidates both of whom each participated in the Debate. The Chamber did not promote or advance either of these two candidates over the other. Finally, the Chamber did not use a candidate's political party as its sole objective criteria for determining which of the candidates should participate in the Debate. For these reasons, the Chamber requests that the Commission take no action with respect to the Complaint. Please feel free to contact me if you need any further information.

Sincerely,



Christopher W. Byrd

ELECTION NIGHT REPORTING

August 5, 2008 Primary Election - August
2008 Primary Election

HOME | CANDIDATE LIST | ELECTION ARCHIVES | COUNTY LINKS

MISSOURI

Specify A Race

Official Election Returns

State of Missouri Primary Election - August 2008 Primary Election

Tuesday, August 05, 2008

As announced by the Board of State Canvassers
on Thursday, August 21, 2008[Click here for a printer friendly version](#)

U.S. Representative - District 6 - Summary

Precincts Reporting 466 of 466

Candidate	Party	Votes	% of Votes
Graves, Sam	REP	36,131	100.0%
Barnes, Kay	DEM	36,712	84.5%
Sherkat, Ali Allon	DEM	6,714	15.5%
Browning, Dave	LIB	225	100.0%
Total Votes		79,782	

U.S. Representative - District 6 - County

County	Graves, Sam REP	Barnes, Kay DEM	Sherkat, Ali Allon DEM	Browning, Dave LIB
ANDREW	1,726	879	142	5
ATCHISON	667	303	40	0
BUCHANAN	3,811	7,335	1,612	54
CALDWELL	1,229	294	40	4
CARROLL	1,608	303	29	1
CHARITON	361	825	109	1
CLAY	7,533	8,033	1,631	56
CLINTON	865	2,293	555	11
COOPER	1,560	610	49	7
DAVISS	300	675	115	2
DEKALB	630	375	58	4
GENTRY	577	856	157	1
GRUNDY	1,396	203	18	1
HARRISON	1,250	177	16	2
HOLT	903	260	39	4
HOWARD	349	1,440	160	3
JACKSON	3,766	3,610	548	30
LINN	407	1,095	187	2
LIVINGSTON	553	1,506	288	2
MERCER	417	82	12	0
NODAWAY	1,252	1,501	293	3
PLATTE	3,393	2,986	508	29
PUTNAM	981	57	4	1
SCHUYLER	163	351	27	2
SULLIVAN	306	351	28	0
WORTH	128	312	49	0

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* Election results as of 4:17:07 on 10/23/2008

Party Code Definitions					
CST	Constitution	IND	Independent	REF	Reform
DEM	Democratic	LIS	Libertarian	REP	Republican
GRE	Green	NAT	Natural Law	WI	Write-In
PRG	Progressive	NP	Nonpartisan		

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